Remarks/Arguments:

Claims 1-10 are pending in the above-identified application. By the present Amendment, claims 1, 2, 5 and 9 are amended.

Rejections under 35 U.S.C. §112, Second Paragraph

Claims 2, 5 and 9 are rejected under 35 U.S.C. §112, second paragraph, for being indefinite. Specifically, with regard to these claims, the Office Action asserts that the "means" language recited in the claims do not have corresponding description in the specification of structures for the recited "means." By the present Amendment, Applicant amends claims 2, 5 and 9 to delete the "means" language. Withdrawal of the rejections and reconsideration of the claims are respectfully requested.

Rejections under 35 U.S.C. §103

Claims 1-3, 5-6 and 8-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Application Number 10-281523 of Takayama in view of US Patent Number 5,257,736 to Roy and US Patent Number 5,632,334 to Grinbergs et al. ("Grinbergs"). Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Takayama in view of Roy and Grinbergs and further in view of US Patent Application Publication Number 2002/0139514 of Lagace et al. ("Lagace"), and claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Takayama in view of Roy and Grinbergs and further in view of US Patent Number 6,577,031 to Morooka et al. ("Morooka"). For the reasons discussed below, Applicant respectfully asserts that neither Takayama, nor Roy, nor Grinbergs, nor Lagace, nor Morooka, nor any combination of these references discloses or suggests all of the features of claim 1.

In particular, Applicant respectfully asserts that neither Takayama, nor Roy, nor Grinbergs, nor Lagace, nor Morooka, nor any combination of these references discloses or suggests the following features of claim 1:

> . . . wherein . . . the motor reduces a speed of the exhaust-air fan based on the signal issued from the supply-air temperature sensing means to reduce a volume of the exhaust air exhausted by the exhaust-air fan.

These features may be found throughout the above-identified application and, in particular, on page 5, lines 19-22. No new matter has been added.

With regard to claim 1, the Office Action admits that neither Takayama nor Roy teaches "that the exhaust-air volume exhausted by the exhaust-air fan is reduced in response to the damper being closed." (See Office Action, page 5, lines 9-10.) The Office Action does not assert that either Lagace or Morooka discloses or suggests features relating to exhaust-air volume. Applicant respectfully asserts that Grinbergs does not disclose or suggest the features of claim 1, as amended, relating to "a volume of the exhaust air."

Grinbergs describes a heat recovery ventilator 10 that includes a first inlet 22 for fresh air, a second inlet 36 for stale air, a first outlet 26 for fresh air, and a second outlet 40 for stale air. Figs. 5 and 6 illustrate the paths of flow of the fresh air and stale air through the heat recovery ventilator 10. (See Grinbergs, Col. 5, line 36 - Col. 6, line 12.) Grinbergs describes a defrost mode during which the first inlet 22 is closed and a port 72 within the heat recovery ventilator 10 is opened. (See Grinbergs, Col. 6, lines 27-29 and 36-37.) By opening the port 72, stale air, which otherwise would be exhausted through the second outlet 40, is recycled into the chamber below the first inlet 22. (See Grinbergs, Col. 6, lines 38-41.) The stale air is therefore circulated through the heat recovery ventilator 10 to defrost it and is then exhausted through the first outlet 26. (See Grinbergs, Col. 6, lines 41-48.) By circulating the stale air in this way, the volume of stale air exhausted through the second outlet 40 is reduced. (See Grinbergs, Col. 6, lines 49-58.)

Claim 1 recites that "the motor reduces a speed of the exhaust-air fan based on the signal issued from the supply-air temperature sensing means to reduce a volume of the exhaust air." Although Grinbergs describes reducing the volume of exhausted stale air by recirculating air, rather than exhausting it, Grinbergs **does not describe** that the volume of exhausted stale air is reduced **through reducing a speed of a motor** within the heat recovery ventilator 10. Instead, Grinbergs describes reducing the volume of the exhausted stale air by **redirecting the stale air back into an interior room** from which the stale air is drawn. Accordingly, Applicant respectfully asserts that Grinbergs does not disclose or suggest the above-quoted features of claim 1. Withdrawal of the rejection and reconsideration and allowance of claim 1 are respectfully requested.

Claims 2-10 depend from claim 1, ultimately, and therefore include all of the features recited in claim 1. For at least the same reasons as discussed above, with respect to claim 1, Applicant respectfully asserts that neither Takayama, nor Roy, nor Grinbergs, nor Lagace, nor Morooka, nor any combination of these references discloses or suggests all of the features of claims 2-10. Withdrawal of the rejections and reconsideration and allowance of these claims are respectfully requested.

Conclusion

Applicant respectfully asserts that the above-identified application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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PKZ/so

Dated: March 9, 2009

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